

REMARKS


Claims 1, 5, 6, 10 and 14-57 are pending in the application. The Examiner's indication that Claims 1, 5, 6, 10, 14 and 15 are allowed is noted with appreciation. Claims 16-65 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to meet the written description requirement. Specifically, the Official Action indicates that the full breadth of the genus defined by nucleic acid fragments that will hybridize under high stringency conditions to a reference nucleic acid molecule is not supported by the specification.

For the reasons set forth in the Applicants' response of September 21, 2005 and earlier responses, the Applicants respectfully submit that the claimed recitation is fully supported by the written description. Nonetheless, Claims 16, 19, 28, 38, 39, 40 and 50 have been amended in order to expedite allowance of the application. Specifically, the recitation of a fragment that will hybridize under high stringency conditions has been deleted. According to the claim, the first nucleic acid fragment includes SEQ ID NO:48, SEQ ID NO:49 or SEQ ID NO:50.

It is respectfully submitted that the written description fully supports the claim element of a first nucleic acid comprising one of these sequences. Therefore, it is respectfully requested that the rejection under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

It is respectfully submitted that the application is now in condition for allowance, which action is earnestly solicited. If the Examiner believes that any further minor amendments or correction as to matters of form will advance the application, the Examiner is invited to telephone the Applicants' undersigned representative.

Respectfully submitted,


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